

CMICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: ROBERT WILLIAM YALEN
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Telephone: (212) 637-2722
Facsimile: (212) 637-2687

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
CARLOS BUSTAMANTE,	:	
	:	
Plaintiff,	:	ECF Case
	:	
v.	:	No. 07 Civ. 6226 (CM)
	:	
MICHAEL CHERTOFF, <i>et al.</i> ,	:	NOTICE OF MOTION
	:	
Defendants.	:	
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PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Defendants' Motion to Dismiss, dated October 4, 2007, the Declaration of Robert William Yalen, dated October 4, 2007, and upon all the pleadings and other papers filed in this action, defendants, by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court before the Honorable Colleen McMahon, United States District Judge, for

an order dismissing this action as moot pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure.

Dated: New York, New York
October 4, 2007

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendants

By: /s/ Robert William Yalen
ROBERT WILLIAM YALEN
Assistant United States Attorney
Telephone: (212) 637-2722
Facsimile: (212) 637-2687

To: Paul O'Dwyer
Law Office of Paul O'Dwyer
134 West 26th Street, Suite 902
New York, NY 10001
Telephone: (646) 230-7444
Facsimile: (646) 230-7381
Attorney for Plaintiff